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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: DISAPPEARANCES AND SUMMARY EXECUTIONS

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

A culture of impunity and the 1965-66 massacre in Indonesia

1. General Soeharto's 1965-66 pogrom of alleged communist sympathisers in Indonesia left an incalculable number of victims dead, jailed or otherwise persecuted. At least 500,000 and possibly as many as 2 million people were slaughtered. Hundreds of thousands more were arbitrarily imprisoned and tortured for up to 35 years without trial. Millions more had their lives ruined: the relatives of alleged communists had their identification cards marked and were economically, socially and politically ostracized under the Soeharto regime.

2. In the years following the Holocaust in Europe, the Jewish people managed to bring together international experts, lawyers, researchers and world leaders-as well as enormous amounts of money-in response to the genocide. Monuments were erected, statistics gathered, names of victims and perpetrators published, cases prepared, courts created and prosecutions pursued. This is how humans should react when sadistic dictators attempt to destroy an entire community. We must find out what happened. We must give justice to the victims. We must tell our grandchildren "never let this happen again". How vulnerable would the Jewish people feel today if these things had never happened?

3. The survivors of Soeharto's pogrom feel such vulnerability. Instead of memorial graveyards for the murdered thousands, mass graves cannot be dug because it is considered too politically sensitive. Instead of trials for crimes against humanity, the former dictator and his associates enjoy continued wealth, power and tacit global support for their mass murder. Instead of community vigilance to oppose anticommunist rhetoric, new violent anticommunist groups are emerging to shut down the few organisations brave enough to research the massacre. Instead of sites of extermination and public torture becoming permanent reminders that the world will never again accept such horror, there remain public museums glorifying those who killed the most alleged communists.

4. In spite of these conditions, aging, under-funded, physically threatened and socio-politically repressed former prisoners are slowly and methodically collecting data on the hundreds of thousands killed during those few months. These victims face an immense challenge to bring out the truth of what they survived, in an atmosphere of unrelenting danger.

5. The 1965-66 massacre took place following a so-called 'abortive coup', manipulated by General Soeharto to ensure him top military position, from which he could later overthrow President Sukarno. Before becoming president, Soeharto was already effectively running the country, however the Indonesian Communist Party (PKI) had a nationwide mass following that was a threat to his aspirations. Soeharto fabricated stories about the nature of PKI involvement in the 'coup' to justify the beginning of mass arrests and killings of communist organisers. Due to the enormous PKI support base, the army conscripted civilians. Islamic groups were the most prolific, activating murderous youth squads on the grounds that communists are atheist and hence could be killed by Muslims. Former President Wahid has admitted that his Muslim organisation - the largest in Indonesia - was involved in the killing of some half a million people. Christian groups also participated on similar ideological pretences. The army organised civilian militia to carry out killings, and encouraged landlords to execute peasant leaders calling for land reform. People accusing their neighbours of communist affiliation were rewarded with their victims' houses and property. Wives of those taken away were blackmailed into relationships with their husbands' persecutors. Passersby were coerced to assist the public torture of suspected communists. In short,

millions of civilians were actively involved in the killings and other human rights violations. The West was also complicit. The US Central Intelligence Agency is known to have provided the Indonesian army with vital military equipment as well as lists of the names of alleged communist leaders that were checked off as each person was killed, disappeared, or imprisoned.

6. It has so far been extremely difficult to uncover any of the dozens of mass graves containing the bodies of those not thrown into the ocean. However, in November 2000, Yayasan Penelitian Korban Pembunuhan 65/66 (YPKP) managed to get local government permission to unearth a mass grave near Wonosobo, Central Java, at the request of the victims' families. The Asian Legal Resource Centre attended this exhumation, which was coordinated by YPKP and Solidaritas Nusa-Bangsa (SNB), and involved one of Indonesia's top forensic experts. The unearthing revealed some 26 bodies buried in the forest, with bullet wounds evident in a number of skulls, identifying rings, clothing and teeth, and multiple projectiles. This grave contained persons imprisoned in Wonosobo in 1966 who had been taken to the site and shot. Wonosobo is just one of many mass graves throughout Indonesia, some of which are estimated to contain thousands of bodies in a single site.

7. Wonosobo was a major breakthrough for the survivors and victims' families, as their work there had official sanction. The exhumation was successful, and the families of those murdered and concealed without dignity for 34 years began preparing to give their fathers, husbands and grandparents a proper burial. However, this progress was violently halted in March 2001, when the families attempted to privately rebury their loved ones. The house where the family members had gathered for the occasion was surrounded and stormed by 'anticommunist' groups. The families tried quickly to take the remains to the new burial place, but were stopped and the coffins dragged out and broken open, scattering the bones across the road. Some of the organisers went into hiding, and the families have so far been unable to rebury their dead out of fear of further violence.

8. The 1965-66 massacre constitutes a Crime against Humanity that has been wilfully ignored by the international community, which prefers to pretend that Indonesia's 'emerging' democracy should not be upset by digging up the past. Yet it is pure fantasy to think it possible to build a culture of human rights on top of the bodies of those killed in one of single worst incidents of bloodshed in the twentieth century, all the while pretending that it never happened. It is the culture of impunity stemming from the 1965-66 massacre that is the core obstacle to achieving human rights in Indonesia. By failing to publicly address and resolve the outstanding issues caused by that event nothing is done to discourage the ongoing killing of people of other religions (as in Maluku and Central Sulawesi), other ethnicities (as in Kalimantan and Java during May 1998), or those seeking independence (as in Aceh and West Papua, and formerly East Timor). The current massacres are not only made possible by the legacy of 1965-66; they are made inevitable. As observed by former political prisoner of 20 years leading the campaign to uncover details of the 1965-66 massacre, Ibu Sulami:

> It is very easy for people who have not suffered a loss to say these matters should be left alone, but for the people who were involved and who suffered the loss of loved ones, they are continually having nightmares and are worrying about what happened. The killing of just one person is already a crime. So how much more terrible is it when more than one person is killed? The murder of hundreds of thousands of people must be talked about and accounted for. The resolution of this matter is like a struggle for civilisation, to

ensure that things like this will not recur in the future. The past is the past but these matters must be resolved for coming generations, for posterity.

9. To end the cycle of communal violence and impunity, there must be proper, well-resourced, free and independent investigations into the 1965-66 massacre followed by trials, sentences, apologies and compensation. Talk of reconciliation and future harmony will be meaningless without these basic elements of justice. The Indonesian government must urgently protect those seeking the truth, as well as begin a process of accountability for the 1965-66 massacre. The international community must put aside its historical support for the Soeharto regime and take a stand for justice and human rights by working to establish an international tribunal to investigate and prosecute this Crime against Humanity.